



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki KATO, et al.

Serial No.: 10/753,870

Group Art Unit: - 2879

Filed: January 9, 2004

Examiner: Not Yet Assigned

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**DECLARATION OF MARY C. GIBB**

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn & Gibb, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn & Gibb, PLLC.
3. Each business day (Monday-Friday), McGinn & Gibb, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (PTO). That correspondence relates to patent and trademark applications being handled by McGinn & Gibb, PLLC, and includes Office Actions. Generally, since McGinn & Gibb, PLLC, is located in Vienna, Virginia, PTO correspondence is received by the law firm within one or

**BEST AVAILABLE COPY**

Serial No.: 10/753,870  
Docket No.: PTGF-03104  
HIR.086

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two business days after the PTO mailing date, although sometimes it takes longer. All mail is received in the Docketing Department, including PTO correspondence. The PTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn & Gibb, PLLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, a Notice to File Missing Parts of a Nonprovisional Application (NOMP) must be responded to within the response time specified therein (within two months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the NOMP and also six months after the mailing date of the NOMP (the last, non-extendable date). In the instant case, the notation for the two-month due date would have been "HIR.086 NOMP", and for the six-month due date would have been "HIR.086 NOMP (last day)". The docket record book for the address of record has been searched, and attached as Exhibit A to my Declaration are copies of the pages of the docket book for items having a due date of June 21 and October 21, 2004 (two months and six months from the alleged mailing date of the NOMP according to the NOMP in the PAIR file wrapper), as well as that of June 22 and October 22, 2004 (two months and six months from the alleged mailing date of the NOMP according to the Notice of Abandonment and the PAIR file history). As can be seen from Exhibit A, there is no entry for the above-identified application ("HIR.086 NOMP" or

“HIR.086 NOMP (last day)”) indicating that the NOMP in question was never received by McGinn & Gibb, PLLC.

6. Once a PTO NOMP received on a given date has been manually entered in the docket book as above described, the appropriate file for the PTO NOMP is pulled and matched up to that NOMP. The appropriate file and the PTO NOMP is then given to the secretary to the attorney responsible for handling the file.

7. On a weekly basis, a docket of cases due that week and the pertinent response due dates is given to each attorney and staff employee at McGinn & Gibb, PLLC. This docket is then double-checked with the docket maintained by individual secretaries. I have searched these docket record lists for the address of record, and there is no entry (“HIR.086 NOMP” or “HIR.086 NOMP (last day)”) for the above-identified application. Attached as Exhibit B to my Declaration are copies of the lists of the submitted cases due the weeks of June 20-26, 2004, and October 17-23, 2004. As can be seen from Exhibit B, there is no entry (“HIR.086 NOMP” or “HIR.086 NOMP (last day)”) relating to a PTO mailing of an NOMP in connection with the above-identified application.

8. Based on my review of Exhibits A-B, and on my personal knowledge of the procedures followed by McGinn & Gibb, PLLC, in the Docketing Department for handling PTO NOMP, a search of the docket records for the address of record, and a search of the file jacket, I conclude that no NOMP was received by McGinn & Gibb, PLLC, for the above-identified application.

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9. To date, the Notice of Abandonment mailed on January 12, 2005, has been the only PTO correspondence in the above-identified application received by McGinn & Gibb, PLLC.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/11/05

Mary C. Gibb  
Mary C. Gibb  
Manager, Docketing Department

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**

2004 173rd day - 193 days follow  
Summer begins

MONDAY **21** JUNE

<del>U6B-163</del> <sup>authorized</sup>	4/2/04	<del>FINAC (5mo.)</del>	<del>DAB</del>
+ GUA.001		App due 8/21	SMM
<del>3. HIR-017</del>	allowed IF due 6/4		
+ YOR.160	and 6/21	FINAC (2mo.)	FEC
5/25 <del>U6B-105</del>		Interview Summary	FT2
+ <del>DOB HIR-011</del>		<u>IDS</u>	Smm
<del>YOR.521</del> <sup>up</sup>	<del>522</del> 6/18	New Apps Bar Dates?	FEC

10/20/04	16A-026	ad 6/21	FINAL (L-Day)	FEC
10/20/04	NEC-250 DIV		RESP. (L-Day)	JJD
8/17/03	TAC-037		FINAL (L-Day)	JEH
5/17/04	WAK-032	ad 8/23 & X	FINAL (L-Day)	FEC
5/17/04	YOR-160		FINAL (L-Day)	FEC
5/17/04	FUTT-001		RESP. (L-Day)	Smm
5/8/03	ASH-004		FINAL (L-Day)	JEH
7/21/04	ALB-076		RESP. (L-Day)	PEM
5/20/04	UAT-035		RESP. (L-Day)	Smm
7/21/04	KOD-062		RESP. (L-Day)	Smm
10/21/04	KOD-052	ad 8/20	FINAL (L-Day)	JND
7/21/04	USH-019		RESP. (L-Day)	JJD
10/21/04	NLB-190	ad 7/30 & 8/23	FINAL (smo.)	JTD
ext	X ORL-028		FINAL (smo.)	JTD
10/21/04	KYOR-432 PCT	431 PCT	Chap II (19 minims)	PEM
	FMG-002 PCT		File Nat'l Storage	JPS
10/21/04	NLB-186		Response	SMT
	X SUZ-024	ad 10/21	FINAL (3 mo.)	Smm
ext	X ACM-021		Response	JEH
✓	X AMA-027	ad 10/5	FINAL (3 mo.)	Smm
ext	X EBI-002		Resp.	JEH
ad	MAR-062		Response	JJD
10/21/04	X YOR-451		Response	FEC
10/22/04	X SHH-032 DIV		Response	Smm
10/22/04	X AMA-001		Issue Fee	FEC
10/21/04	X AMA-059		Issue Fee	PEM
10/21/04	LTN-002		Issue Fee	Smm
9/30/04	YOR-419		2x (OAC)	Smm
9/28/04	YOR-222		Response (1 mo.)	Smm
10/21/04	TASH-005		Response (1 mo.)	JND
10/21/04	X HUY-006	X Notice of Attn. Compliance	Response (1 mo.)	FEC
				SMT

JUNE

22

TUESDAY

2004

74th day - 192 days follow

3/23 NEC. 259	Respl (Last Day)	SM	3/23
4/27 DEC. 032	Respl (Last Day)	PM	3/24
4/27 YOR. 459	AFEP	FE	3/25
4/27 FUJIT. 057	N Infecting Resp.	SM	4/1
4/27 Ntob. 505	NCAP (1 day)	Smm	4/2
4/27 RLE 5/21 Ntob. 161	FINAL (5 mo.)	PAB	4/3
4/27 Jaxt (B) 001	Response	JSD Smm	4/4
4/27 Hec. 173	Response	FEC	4/5
4/27 ORT. 036	Response	Smm	4/6
4/27 SHH. 031	Response	JNKSmm	4/7
4/27 Ntob. 149	Issue Fee	PEM	4/8
4/27 Ntob. 024	IF + (W) 04/26	JEH	4/9
7/1 SHH. 036 Out	Issue Fee	FJR	4/10
6/27 MAT. 007	Issue Fee	FEC	4/11
6/27 OAK. 094	Issue Fee	PEM	4/12
5/4 WAA. 039	IRS	Smm	4/13
ex ✓ DEC. 011	Revive	PEM	4/14

ISSUE DATE:

6, 754, 259 YOR. 124 - JJD X  
 6, 753, 765 KOB. 018 - JEH X  
 6, 753, 991 KLB. 227 - Smm X  
 6, 753, 688 FIS. 071 - FEC X  
 6, 754, 051 IGA. 018 DIV - Smm X  
 6, 754, 761 WAD. 210 - FPL X

1/22+ 17.058	Resp. (1 Day)	SMATR	7/2
6/29 y 17.048	Resp. (1 Day)	PAAB	7/2
1/22 M6B-198	Resp. (1 Day)	Smm	7/2
1/21 FUJIT-014	Resp. (1 Day)	JEH	New
✓ + KAT 016 ad 9/29	FINAL (3 mo.)	JEH	✓
1/22 CAS-001	Resp. (1 Day)	JPS	10/22
10/22 SHIM-008	Response	JEH Smm	✓
10/22 KUD-059	Response	FJZ	✓
10/12 MAT-009	IF + change (1 Day)	JMD	9/2
abd + 1702-435 ad 9/22	FINAL (3 mo.)	SMT	10/2
10/19 HOB-151	Response	JJD	
ext ✓ + FUJIT-023 COM	Response	FEC	
✓ KAT-016	FINAL (3 mo.)	JEH	
10/22 + NGB-265	Response	SMT Smm	
7/22 KAS-001	Resp (1 Day)	JPS	
11/3 + FUJIT-006	Issue Fee	JJD	
10/21 A6B-128	Response (1 mo.)	Smm	
10/22 + ORT-084	IDS	Smm	
10/22 + ORT-085	IDS	Smm	
10/19 + ORT-086	IDS	Smm	
10/21 + ORT-087	IDS	Smm	
10/19 + FUJIT-023	IDS	FEC	
ext ✓ + FUJIT-023 Cont <sup>going</sup> abd:	IDS	FEC	



# DOCKET

## June 20-26, 2004

**Please compare this with your personal docket!**  
**Let us know if you have any changes or additions.**

Add entries docketed after this docket is distributed.

Use this new docket if dates overlap with previous version.

Please immediately inform us of any additions that have not been processed in Docketing.

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 6/20/04	HIR.087	IDS (6 mo. NOMP?)	SMM
	YOR.312	Final (2 mo.)	PEM
	YOR.174	Final (2 mo.)	FEC
	ALM.038	Final (2 mo.)	JJD
Monday, 6/21/04	GUA.001	New app due 8/21	SMM
	YOR.160	Final (2 mo.)	FEC
	YOR.521	New App (bar date?)	FEC
	YOR.527	New App (bar date?)	FEC
Tuesday, 6/22/04	DEC.011	Revive	PEM
	NGB.149	IF	PEM
	WAK.094	IF	PEM
	MAT.007	IF	FEC
	NEC.173	Response	FEC
	NGB.024	IF & Drawings	JEH
	SHI.036DIV	IF	FJZ
	SHI.031	Response	JND
	EBI.001	Response	JJD
Wednesday, 6/23/04	CLO.012	IDS (3 Mo. NOMP?)	SMM
	NGB.287	IF	SMM
	NGB.330	IF	SMM
	NGB.331	IF	SMM
	DEC.012	IF	PEM
	EBO.010US	NOMP 2 X	PEM

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	EBO.013	NOMP PCT 1 X	PEM
	NGB.087	Response	JEH
	NGB.095	Response	JEH
	YOR.132	Final (4 mo. amended 4/23)	JEH
	ONO.004	IF (last day)	JND
	ALM.049	Response	JJD
Thursday, 6/24/04	YOR.393	Final (3 mo.)	PEM
	YOR.397	Final (3 mo.)	FEC
	YOR.249	Response	PEM
	YOR.250	Response	JEH
	FUJ.029	Final (3 mo.)	FJZ
	FUJIT.009	IF (last day)	SMM
	NGB.084	Response	JEH
	NGB.240	IF (last day)	SMM
	IGA.029	Response	JND
	FUJI.005	IF	JND
	ORI.066	IF	JJD
Friday, 6/25/04	NGB.154	Response	PEM
	HIR.051	Response	JEH
	AMA.056	IF & drawings (last day)	SMM
	AMA.054	IF & drawings (last day)	SMM
	YAS.043	Response	JND
	YAN.018	IF (last day)	SMM
	NGB.062	Response	SMT
	NGB.225	IF	JEH
	YOR.531	Response	SMT
	FIS.065	Examiner's Answer 1 X	JEH
	FUJI.021	1 X	FEC
	SHIM.008	Response (1 mo.)	SMM
Saturday, 6/26/04	AMA.050	Response	JJD
	NEC.228	Response	JJD
	KUR.012	Final (3 mo.)	PEM

**DUE DATE**

**FILE**

**COMMENTS**

**ATTY**

NGB.082

Response

JEH

YOR.205

Response

FEC

BUR.006-3

Final (2 mo.)

JJD

NGB.248

Response (1 mo.) & Int. Sum.

SMT

FUJIT.061

1 X

PEM

TAK.042

IDS

JND

# DOCKET

## October 17-23, 2004

**Please compare this with your personal docket!**  
**Let us know if you have any changes or additions.**

**Add entries docketed after this docket is distributed.**

**Use this new docket if dates overlap with previous version.**

**Please immediately inform us of any additions that have not been processed in Docketing.**

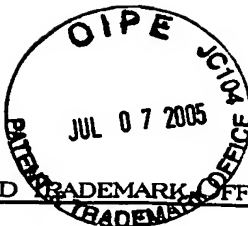
<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Sunday, 10/17/04	HIR.105	IDS (NOMP recd?)	SMM
	NEC.230DIV	1 X	SMM
	NGB.160	Final (4 mo. amended 9/17)	PEM
	YOR.491	Final (4 mo. amended 8/17)	FEC
	HIR.049	Final (4 mo. amended 9/10)	JND
	IDE.003	2 X	JND
	NEC.273	1 X	JND
	NIS.062	2 X	JND
	FUS.053	Final (4 mo.)	JJD
	NEC.241CIP	1 X	SMT
	IPB.001	Final (5 mo. amended 9/13)	JPS
	VKR.001	Final (5 mo.)	JPS
Monday, 10/18/04	UNI.022	IF (last day)	SMM
	NEC.142	Final (4 mo.)	FEC
	NGB.122	Final (4 mo. amended 9/20)	JEH
	ONO.006	IF	JND
	NGB.085	IF	JJD
	BRAN.003EP	Annuity Fee (last day)	JPS
Tuesday, 10/19/04	WAK.116	IF	SMM
	EBOX.005US	NOMP (last day)	PEM
	MAR.069DIV2	IF (last day)	PEM
	YOR.523	Final (3 mo. amended 9/20)	JJD

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Wednesday, 10/20/04	NEC.263	IF	PEM
	YOR.160	Appeal Brief	FEC
	NTMI.001	File New Appl.	JEH
	ALM.038	Appeal Brief	JJD
	YOR.094	Final (2 mo.)	JJD
Thursday, 10/21/04	AMA.059	IF	SMM
	LIN.002	2 X	SMM
	AMA.001	IF	PEM
	YOR.432PCT	Chap. II (19 mos.)	PEM
	ASH.005	Response (1 mo.)	FEC
	SHI.032DIV	IF	FEC
	WAK.072	Final (last day amended 8/23)	FEC
	ALM.021	Response	JEH
	AMA.027	Final (3 mo. amended 10/5)	JEH
	SUZ.024	Final (3 mo.)	JEH
	KUD.052	Final (last day amended 8/20)	JND
	EBI.002	Response	JJD
	NEC.250DIV	Response (last day)	JJD
	NGB.140	Final (5 mo. amended 7/30 & 8/23)	JJD
	ORI.028	Final (5 mo.)	JJD
	NGB.126	Response	SMT
	NUV.006	Ntc. of Noncompliance	SMT
	YOR.451	Response	SMT
Friday, 10/22/04	KUD.059	Response	FJZ
	ORI.084	IDS 3 mo.	SMM
	ORI.085	IDS 3 mo.	SMM
	ORI.086	IDS 3 mo.	SMM
	ORI.087	IDS 3 mo.	SMM
	FUJIT.023	IDS	FEC
	FUJIT.023CON	Response	FEC
	FUJIT.023CON	IDS	FEC
	KAT.016	Final (3 mo. amended 9/29)	JEH
	SHIM.008	Response	JEH
	FUJIT.006	IF	JJD

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
	NGB.265	Response	SMT
	YOR.435	Final (3 mo. amended 9/22)	SMT
Saturday, 10/23/04	HIR.072	Response (1 mo.)	SMM
	NGB.166	Final (4 mo. 1 X)	JND
	ALM.024	Final (2 mo.)	JJD
	MAS.001	Response	JJD



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/753,870	01/09/2004	Hideaki Kato	PTGF-03104

21254

MCGINN &amp; GIBB, PLLC

8321 OLD COURTHOUSE ROAD JAN 13 2005

SUITE 200

VIENNA, VA 22182-3817

RECEIVED

H.L.R. 086  
McGINN & GIBB, P.C.

CONFIRMATION NO. 6111

ABANDONMENT/TERMINATION  
LETTER

\*OC000000014940528\*

Date Mailed: 01/12/2005

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/22/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*Request Wolleyer*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

EXHIBIT 1

AIR.086  
Smminas

Serial Number: 10753,870

Attorney's Post Card Filing Receipt

Papers Filed On: 7/26/04

Attorney's Docket Number: PTGF-03104

☒ Patent

☐ Trademark

Applicant's Name: Kato et al

Application Filing Date: 1/9/04

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing Corrections

☐ Issue Fee Transmittal

☒ Request for Missing Parts

☐ Other

+ OFR

Fees Filed Herewith: \$

☐ Check

☐ Charge Deposit Account:

Hand Delivered

AIR.086  
Smminas

Attorney's Post Card Filing Receipt

Serial Number: 10753,870

Papers Filed On: 7/26/04

Attorney's Docket Number: PTGF-03104

☒ Patent

☐ Trademark

Applicant's Name: Kato et al

Application Filing Date: 1/9/04

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing

☐ Issue Fee Transmittal

☒ Request for Missing Parts

☐ Other

+ OFR

Fees Filed Herewith: \$

☐ Check

☐ Charge Deposit Account:

Hand Delivered



Docket No. PTGF-03104  
HIR.086

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Unknown

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**REQUEST FOR NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION AND OFFICIAL FILING RECEIPT**

Sir:

Applicants respectfully request copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt in the above-identified application. As of this date, Applicants have not received copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt for this application which was filed on January 9, 2004. A copy of the date-stamped post card receipt is attached.

Respectfully submitted,



Sean M. McGinn  
Registration No. 34,386

Date: 7/26/04  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

HIR.086  
Smm/has

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kato et al Application Filing Date: 1/19/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney Unexpected  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐

Other                     

Fees Filed Herewith: \$              ☐ Check ☐ Charge Deposit Account:             



HIR.086  
Smm/has

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kato et al Application Filing Date: 1/19/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney Unexpected  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐

Other                     

Fees Filed Herewith: \$              ☐ Check ☐ Charge Deposit Account:

Attorney's Post Card Filing Receipt  
Serial Number: 101753,870 Papers Filed On: 9/24/04

Attorney's Docket Number: PTLF-03104 ☒ Patent ☐ Trademark

Applicant's Name: Kato et al. Application Filing Date: 1/9/04  
Papers Filed Herewith:

- ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request  
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief  
☐ IDS ☐ 1449 Form w/ \_\_\_ Documents ☐ Priority Document(s)  
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings  
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts  
☒ Other 2nd Request for NOMP + OFR

Fees Filed Herewith: \$ \_\_\_\_\_ ☐ Check ☐ Charge Deposit Account: \_\_\_\_\_

Attorney's Post Card Filing Receipt  
Serial Number: 101753,870 Papers Filed On: 9/24/04 Delivered

Attorney's Docket Number: PTLF-03104 ☒ Patent ☐ Trademark

Applicant's Name: Kato et al. Application Filing Date: 1/9/04  
Papers Filed Herewith:

- ☐ Amendment ☐ Request for Extension of Time ☐ CPA Request  
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief  
☐ IDS ☐ 1449 Form w/ \_\_\_ Documents ☐ Priority Document(s)  
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings  
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts  
☒ Other 2nd Request for NOMP + OFR

Fees Filed Herewith: \$ \_\_\_\_\_ ☐ Check ☐ Charge Deposit Account: \_\_\_\_\_

Hand Delivered

Docket No. PTGF-03104  
HIR.086

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Unknown

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

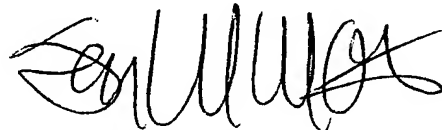
Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**SECOND REQUEST FOR NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION AND OFFICIAL FILING RECEIPT**

Sir:

Applicants respectfully request copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt in the above-identified application. As of this date, Applicants have not received copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt for this application which was filed on January 9, 2004. A copy of the date-stamped post card receipt is attached.

Respectfully submitted,



Sean M. McGinn  
Registration No. 34,386

Date: 9/24/04

McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

HIR.086  
Smmlhas

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kafocetal Application Filing Date: 1/9/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐  
Other     

Fees Filed Herewith: \$      ☐ Check ☐ Charge Deposit Account:     



HIR.086  
Smmlhas

**New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number**

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kafocetal Application Filing Date: 1/9/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐  
Other     

Fees Filed Herewith: \$

HIK. 086  
smmikas

Serial Number: 10753,870

Attorney's Post Card Filing Receipt

Papers Filed On: 11/5/04

Attorney's Docket Number: PT6F-03104 ☒ Patent

☐ Trademark

Applicant's Name: Kato et al Application Filing Date: 1/9/04

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ \_\_\_ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing Corrections

☐ Issue Fee Transmittal

☐ Missing Parts

☒ Other 3rd Request for NOMP + OFR

Fees Filed Herewith: \$ \_\_\_\_\_ ☐ Check ☐ Charge Deposit Account: \_\_\_\_\_

HIK. 086  
smmikas

Serial Number: 10753,870

Attorney's Post Card Filing Receipt

Papers Filed On: 11/5/04

Attorney's Docket Number: PT6F-03104 ☒ Patent

☐ Trademark

Applicant's Name: Kato et al Application Filing Date: 1/9/04

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☐ IDS

☐ 1449 Form w/ \_\_\_ Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

☐ Formal Drawings

☐ Drawing Corrections

☐ Issue Fee Transmittal

☐ Missing Parts

☒ Other 3rd Request for NOMP + OFR

Fees Filed Herewith: \$ \_\_\_\_\_ ☐ Check ☐ Charge Deposit Account: \_\_\_\_\_

Hand Delivered

Docket No. PTGF-03104  
HIR.086

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Unknown

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**THIRD REQUEST FOR NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION AND OFFICIAL FILING RECEIPT**

Sir:

Applicants respectfully request copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt in the above-identified application. As of this date, Applicants have not received copies of the Notice to File Missing Parts of Nonprovisional Application and Official Filing Receipt for this application which was filed on January 9, 2004. A copy of the date-stamped post card receipt is attached.

Respectfully submitted,



Sean M. McGinn  
Registration No. 34,386

Date: 11/5/04

McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

HIR.086  
Smmlhas

New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kafoetal Application Filing Date: 1/1/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney Unexpected  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐

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Fees Filed Herewith: \$      ☐ Check ☐ Charge Deposit Account:     



HIR.086  
Smmlhas

New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kafoetal Application Filing Date: 1/1/04

Title: Light Emitting Device

Papers Filed Herewith:

44 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney Unexpected  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐

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**PATENT APPLICATION INFORMATION RETRIEVAL**

Search results as of: 1-14-2005:12:2:11 E.T.

Search results for application number: 10/753,870			
Application Number:	10/753,870	Customer Number:	21254
Filing or 371(c) Date:	01-09-2004	Status:	Abandoned -- Incomplete Application (Pre-examination)
Application Type:	Utility	Status Date:	01-12-2005
Examiner Name:	-	Location:	ELECTRONIC
Group Art Unit:	2879	Location Date:	-
Confirmation Number:	6111	Earliest Publication No:	-
Attorney Docket Number:	PTGF-03104	Earliest Publication Date:	-
Class/ Sub-Class:	313/-	Patent Number:	-
First Named Inventor:	Hideaki Kato, Aichi-ken, (JP)	Issue Date of Patent:	-
Title Of Invention:	Light emitting device		

Search Options

Foreign Priority
Image File Wrapper

File History	
Date	Contents Description
06-23-2004	Abandonment -- During Preexam Processing
09-17-2004	Correspondence Address Change
04-22-2004	Notice Mailed--Application Incomplete--Filing Date Assigned
03-16-2004	Cleared by L&R (LARS)

03-02-2004	Referred to Level 2 (LARS) by OIPE CSR
01-23-2004	IFW Scan & PACR Auto Security Review
01-09-2004	Initial Exam Team nn



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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/753,870	01/09/2004	Hideaki Kato	PTGF-03104

21254  
 MCGINN & GIBB, PLLC  
 8321 OLD COURTHOUSE ROAD  
 SUITE 200  
 VIENNA, VA 22182-3817

CONFIRMATION NO. 6111

## FORMALITIES LETTER

\*OC000000012413520\*

Date Mailed: 04/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1148 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2048 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$1148

- \$860 for 10 independent claims over 3.
- \$288 for 16 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

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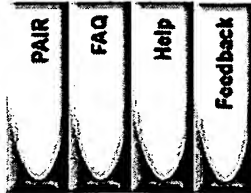


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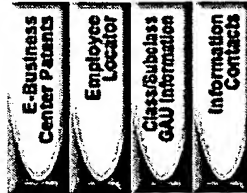
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Image File Wrapper for Application No.:10/753,870

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category	Page Count	All	None	Download
11/05/2004	<u>Foreign Reference</u>	PROSECUTION	10		<input type="checkbox"/>	
11/05/2004	<u>Foreign Reference</u>	PROSECUTION	7		<input type="checkbox"/>	
11/05/2004	<u>Foreign Reference</u>	PROSECUTION	10		<input type="checkbox"/>	
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11/05/2004	<u>Foreign Reference</u>	PROSECUTION	11		<input type="checkbox"/>	
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11/05/2004	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	1		<input type="checkbox"/>	
11/05/2004	<u>Drawings</u>	PROSECUTION	23		<input type="checkbox"/>	
11/05/2004	<u>Foreign Priority Papers Filed</u>	PROSECUTION	35		<input type="checkbox"/>	
11/05/2004	<u>Foreign Priority Papers Filed</u>	PROSECUTION	31		<input type="checkbox"/>	
11/05/2004	<u>Foreign Priority Papers Filed</u>	PROSECUTION	27		<input type="checkbox"/>	

11/05/2004	<u>Foreign Priority Papers Filed</u>	PROSECUTION	34	<input type="checkbox"/>
11/05/2004	<u>Information Disclosure Statement</u>	PROSECUTION	3	<input type="checkbox"/>
11/05/2004	<u>Foreign Reference</u>	PROSECUTION	10	<input type="checkbox"/>
07/26/2004	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	2	<input type="checkbox"/>
04/21/2004	<u>Pre-Exam Formalities Notice</u>	PROSECUTION	2	<input type="checkbox"/>
01/09/2004	<u>Claim</u>	PROSECUTION	10	<input type="checkbox"/>
01/09/2004	<u>Abstract</u>	PROSECUTION	1	<input type="checkbox"/>
01/09/2004	<u>Drawings</u>	PROSECUTION	23	<input type="checkbox"/>
01/09/2004	<u>Oath or Declaration filed</u>	PROSECUTION	2	<input type="checkbox"/>
01/09/2004	<u>Transmittal of New Application</u>	PROSECUTION	4	<input type="checkbox"/>
01/09/2004	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1	<input type="checkbox"/>
01/09/2004	<u>Specification</u>	PROSECUTION	34	<input type="checkbox"/>

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Docket No. PTGF-03104  
H.R.086



IRW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Unknown

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**REQUEST FOR NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION AND OFFICIAL FILING RECEIPT**

Sir:

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Respectfully submitted,

Sean M. McGinn  
Registration No. 34,386

Date: 7/26/04  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

HIR.086  
Smmlhas



New Application Post Card Filing Receipt and  
Request for Early Notification of Serial Number

Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
Applicant's Name: Kato et al Application Filing Date: 1/9/04  
Title: Light Emitting Device

Papers Filed Herewith:

24 Pages Specification, Claims and Abstract 36 Total Claims 13 Independent Claims

23 Sheets ☐ Formal Drawings ☒ Informal Drawings ☐ Priority Document(s)  
☒ Patent Application Transmittal Sheet ☒ Declaration/Power of Attorney  
☐ IDS ☐ 1449 Form w/      Documents ☐ Assignment ☐ Recordation Cover ☐  
Other     

Fees Filed Herewith: \$      ☐ Check ☐ Charge Deposit Account:     



HIR.086  
Smmlhas

New Application Post Card Filing Receipt and  
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Attorney's Docket Number: PTGF-03/04 ☒ Patent ☐ Trademark  
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Other     

Fees Filed Herewith: \$      ☐ Check ☐ Charge Deposit Account:



Docket No. PTGF-03104  
HIR.086



17W

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Unknown

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**THIRD REQUEST FOR NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION AND OFFICIAL FILING RECEIPT**

Sir:

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Respectfully submitted,

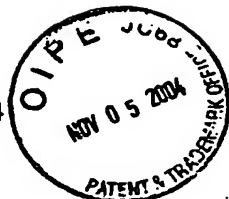
Sean M. McGinn  
Registration No. 34,386

Date:

11/5/04  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

IPW

Docket No. PTGF-03104  
HIR.086



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki Kato et al.

Serial No.: 10/753,870

Group Art Unit: Not Yet Assigned

Filing Date: January 9, 2004

Examiner: Unknown

For: LIGHT EMITTING DEVICE

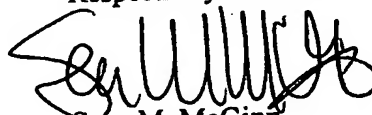
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Submitted herewith are twenty three (23) sheets of formal drawings comprising figures 1-23 for the above-identified patent application. Please substitute these formal drawings for the drawings which were filed with the application. Approval and acknowledgment of receipt are respectfully requested.

Respectfully submitted,

  
Sean M. McGinn  
Registration No. 34,386

Date: 11/5/04  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Hideaki KATO, et al.

Serial No.: 10/753,870

Group Art Unit: 2879

Filed: January 9, 204

Examiner: Not Yet Assigned

For: LIGHT EMITTING DEVICE

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**SUBMISSION OF DECLARATION**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application (copy attached as Exhibit 6 to the Petition to Revive), dated April 21, 2004, submitted herewith is the signed declaration for the above-identified patent application, along with our check in the amount of \$3,730 to cover the \$770 application fee, \$2,830 excess claims fee, and \$130 surcharge for the late filing of the declaration.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,



Sean M. McGinn

Registration No. 34,386

Date:

3/11/05

McGinn & Gibb, PLLC

Intellectual Property Law

8321 Old Courthouse Road, Suite 200

Vienna, Virginia 22182-3817

(703) 761-4100

Customer No. 21254

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